

## Message Text

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12-S

ACTION L-03

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TO SECSTATE WASHDC 7342

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C O N F I D E N T I A L GENEVA 4764

E.O. 11652: GDS

TAGS: PFOR

SUBJ: CSCE: PACKAGE DEAL FOR BASKET III PREAMBLE

REF: STATE 158957

1. NEUTRALS PRESENTED THEIR PACKAGE PROPOSAL AT AN INFORMAL MEETING OF THE COORDINATING COMMITTEE JULY 23. ANTICIPATING PROBLEM WITH RUSSIAN TRANSLATION OF PARAGRAPH 1B OF PROPOSAL (AS DISCUSSED PARAGRAPH 2 REFTEL), FINNISH AMBASSADOR EXPLAINED THAT ONLY THE ENGLISH VERSION WAS TO BE CONSIDERED THE ORIGINAL.

2. SOVIET DEL, SUPPORTED LATER BY A NUMBER OF ITS ALLIES, INDICATED THAT PACKAGE IN ITS PRESENT FORM WAS ACCEPTABLE BUT THAT SINCE THE DEAL WAS EXTREMELY "FRAGILE", ANY CHANGES MIGHT JEOPARDIZE THE DEAL AS A WHOLE. HE EMPHASIZED THAT THE SOVIET DELEGATION WOULD CONSIDER THE RUSSIAN TEXT AN ORIGINAL OF EQUAL VALIDITY TO THE ENGLISH.

3. FRANCE, SPAIN, AND ITALY EXPRESSED APPREHENSION ABOUT THE REFERENCE TO "LEGAL OBLIGATIONS UNDER INTERNATIONAL LAW" AND EXPRESSED A PREFERENCE TO DROP  
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THE TERM "LEGAL". SPEAKING FOR THE NEUTRALS, SWISS

DELEGATION HEAD, PROFESSOR BINDSCHEDLER, ATTEMPTED TO CALM THESE APPREHENSIONS WITH AN EXPLANATION THAT THE WORD "LEGAL" MEANS ONLY THAT SENTENCE IS CONCERNED WITH OBLIGATIONS UNDER LAW AND AS SUCH IS AN INNOCENT AND EVEN SUPERFLUOUS WORD. HE CLAIMED THAT NEUTRALS DID NOT INTEND FORMULATION TO DEAL WITH THE LONG-STANDING DISPUTE AS TO WHETHER INTERNATIONAL LAW AUTOMATICALLY OVERRIDES NATIONAL LAW OR WHETHER ITS INCORPORATION INTO NATIONAL LAW REQUIRES A GOVERNMENTAL ACT. HE CLAIMED THAT THOUGH PARTICIPATING DELEGATIONS HELD DIFFERENT POSITIONS ON THIS ISSUE, THE FORMULATION WOULD NOT PREJUDICE ANY VIEW IN THIS REGARD. DESPITE THESE REASSURANCES, CANADIAN, TURKISH, BELGIAN, PORTUGUESE, NORWEGIAN, UK, DUTCH, FRG, AND IRISH DELEGATIONS, WHILE ACCEPTING THE DEAL GENERALLY, EXPRESSED CONTINUING UNEASE OVER USE OF THE TERM "LEGAL" IN PARAGRAPH 1B OF THE PACKAGE. SPANISH, CANADIAN, DUTCH, FRG, AND UK DELEGATIONS PARTICULARLY OBJECTED TO THE TRANSLATION QUESTIONS POSED BY THE FORMULATION AND DREW ATTENTION TO THE RUSSIAN LANGUAGE TRANSLATION WHICH HAD BEEN CIRCULATED AND WHICH THEY ARGUED BROUGHT ABOUT A SUBSTANTIAL CHANGE IN MEANING. SOVIETS RESPONDED THAT THEIR EXPERTS HAD ADVISED THEM THAT THE RUSSIAN TRANSLATION ACCURATELY REFLECTED THE MEANING OF THE ENGLISH TEXT.

4. CANADIAN AND UK DELEGATIONS ALSO EXPRESSED DISSATISFACTION WITH THE PHRASE "THEY WILL CONFORM WITH THEIR LEGAL OBLIGATIONS UNDER INTERNATIONAL LAW" STATING THAT THE WORD "COMPLY" SHOULD BE SUBSTITUTED FOR "CONFORM".

5. MEETING RESUMED IN THE AFTERNOON WITH DELEGATIONS HOLDING TO POSITIONS TAKEN DURING MORNING SESSION. ITALY AND BELGIUM JOINED UK AND CANADA IN REQUESTING CHANGING "CONFORM" TO "COMPLY" OR, AS SUGGESTED BY ITALY, "FULFILL".

6. NETHERLANDS TOOK POSITION THAT TEXT FOR BASKET III PREAMBLE IN DEAL WOULD PREJUDICE THEIR VIEW AS TO FORM

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OF THE FINAL DOCUMENT AND THAT IT WOULD HAVE TO BE MADE CLEAR THAT THIS WAS NOT THE CASE. SOVIETS INSISTED THAT THE PACKAGE HAD TO BE VIEWED AS A WHOLE AND THAT NOTHING COULD BE ADDED OR REMOVED.

7. FRENCH CHAIRMAN SUMMARIZED THAT THREE PROBLEMS REMAINED TO BE SOLVED:

1. DISPOSITION OF WORD "LEGAL" IN PARAGRAPH 1B;
  2. WETHER TO REPLACE "CONFORM" WITH "COMPLY" OR "FULFILL";
- AND,

3. CLAIRIFICATION OF EFFECT OF THE DEAL ON THE FORM  
OF THE FINAL DOCUMENT.

IT WAS AGREED THAT ANOTHER MEETING WOULD BE CONVENED  
WEDENSDAY MORNING, JULY 24.ABRAMS

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